

## **REMARKS**

This Amendment is submitted in response to the Office Action dated June 4, 2004. The Applicants have amended Claims 1, 10, 17, 21, 24, 31, 32, 35 and 36. Claims 25-30 and 39 have been voluntarily withdrawn. The abstract of the Specification has been amended. The Drawings have been amended to correct an erroneous reference numeral. No subject matter has been added to the Claims, the Drawings or the Specification. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

### **Supplemental Information Disclosure Statement**

The Applicants have submitted a Supplemental Information Disclosure Statement on August 19, 2004, and the Applicants respectfully request the consideration of the reference cited in such statement.

### **Specification**

The Office Action reminded the Applicants of the proper content of the abstract of the disclosure, noting that extensive mechanical and design details should not be given. The Applicants have amended the abstract of the Specification to address such concerns of the Office Action. The Applicants have not added any subject matter to the Specification.

### **Drawings**

In reviewing the application, the Applicants found that reference numeral 70 in Figure 11 should be reference numeral 72. Accordingly, the Applicants have voluntarily amended the Drawings to correct such error. The Applicants have not added any subject matter to the Drawings.

### **Claim Rejections – 35 U.S.C. §112**

The Office Action rejected Claims 10-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Office Action noted that, in Claim 10, the term “inserts” in line 1 lacks positive antecedent basis in the claims. The Applicants have

amended Claim 10, and Applicants respectfully submit that such amendment overcomes such rejection.

### **Claim Rejections – 35 U.S.C. §102**

The Office Action rejected Claims 1-39 under U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,267,429 to Kettler et al (“Kettler”). Kettler discloses a mower deck (10) have a top wall (12) and vertically extending side walls (14). The rear portion of the deck defines a discharge outlet (22). Kettler also discloses a baffle member (24). The purpose of the baffle member is to disperse the clippings relatively evenly between the wheels of the tractor, and generally without being clumped in unsightly windrows. The baffler member is connected to the underside of the top wall of the deck near the discharge outlet. The baffler member is not connected to the vertically extending side walls of the deck.

The Applicants have amended the Claims to distinguish the present invention over Kettler. In particular, amended Claim 1 (and Claims 2-16 which depend therefrom) are directed to a mower deck including a top surface, a cutting blade rotatably supported beneath the top surface and at least one sidewall depending from the top surface to form a cutting chamber within which the blade rotates. The sidewall has a front portion and a rear portion. The rear portion extends substantially vertically downward from the top surface, and the rear portion defines a discharge opening. The mower deck includes an insert that is removably attached to the rear portion so as to block the discharge opening and enable the chamber to be selectively operated in a mulching mode by attaching the insert or in at least a partial discharge mode by removing the insert. Kettler does not disclose such a mower deck. Accordingly, the Applicants respectfully submit that Claims 1-16 are in condition for allowance.

Amended Claim 17 (and Claims 18-20 which depend therefrom) are directed to a mower deck having a top surface, a cutting blade rotatably supported beneath the top surface and at least one sidewall depending from the top surface and forming a cutting chamber within which the blade rotates. The sidewall includes a front portion and a rear portion. The rear portion extends substantially vertically downward from the top surface, and the rear portion defines a discharge opening. The mower deck includes an insert that is removably attached to the rear portion of the sidewall to permit mulching when the insert is attached to the rear portion and to expose the

discharge opening in the rear portion when the insert is removed from the rear portion. Kettler does not disclose such a mower deck. Accordingly, the Applicants respectfully submit that Claims 17-20 are in condition for allowance.

Amended Claim 21 (and Claims 22-24 which depend therefrom) are directed to a lawnmower deck including a cutting chamber having a top surface and at least one sidewall. The sidewall includes a front portion and a rear portion. The rear portion extends substantially vertically downward from the top surface and defines at least one discharge opening. The lawnmower deck includes a mulching blade rotatably connected to the chamber. The mulching blade is disposed within the chamber. Also, the lawnmower deck includes a mulch ramp connected to the chamber. The mulch ramp is disposed between the top surface of the chamber and the blade, and the blade is configured to cut material a second time when the blade carries the material against the ramp. The lawnmower deck includes an insert removably attached to the rear portion. The insert is positionable so as to cover the discharge opening, thereby enabling the chamber to be convertible solely via a removal of the insert to enable at least some of the material to exit the chamber without being carried to the ramp. Kettler does not disclose such a lawnmower deck. Accordingly, the Applicants respectfully submit that Claims 21-24 are in condition for allowance.

Amended Claim 31 (and Claims 32-34 which depend therefrom) are directed to a mower deck portion having a top wall and at least one side wall connected to the top wall. The side wall has a front portion, a rear portion and a plurality of side portions. The rear portion extends substantially vertically downward from the top wall, and the rear portion includes a rear discharge wall defining a rear discharge opening. The mower deck portion has a cutting chamber defined by the top wall and the side wall, and the mower deck includes a discharge control device and at least one securing member which removably secures the discharge control device to the rear discharge wall. A portion of the securing member has a position outside of the cutting chamber so as to facilitate installation and removal of the discharge control device. Kettler does not disclose such a mower deck portion. Accordingly, the Applicants respectfully submit that Claims 31-34 are in condition for allowance.


**Voluntary Withdrawal of Claims**

The Office Action stated that Claims 25-30 may be restricted in a subsequent Office Action based on the subject matter defined by such Claims. To advance the prosecution of this application, the Applicants have voluntarily withdrawn Claims 25-30.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Amendment, the Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 9. This sheet replaces the original sheet including Figure 9.

Attachment: Replacement Sheet